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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,139	01/12/2004	Young-Ho Kim	0630-1919P	8068
2292	7590	02/06/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			HUSBAND, SARAH E	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/755,139

Applicant(s)

KIM ET AL.

Examiner

Sarah E. Husband

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 5-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election with traverse of Species 1 in the reply filed on 1/05/2006 is acknowledged. The traversal is on the ground(s) that the search and examination of all species would not be a serious burden on the Examiner. This is not found persuasive because examining each of the species would require a variety of different search strategies and therefore cause a serious burden on the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

### *Drawings*

The drawings are objected to because Figs. 3 and 4 shows stoppers 134, 134 and 136 and Fig. 5 identifies them as 134, 135 and 136. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant

to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is unclear because the Applicant describes the movable damper as selectively adhered to the inner surface of the cylinder which is unclear. Adherence usually refers to an object attached to another and it is unclear how something can be selectively adhered in this case.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hahn (US Patent No. 3,593,977).

Hahn discloses a shock absorber or damper having a cylinder (1), piston rod (3), a guide member (2) having a hole and first and second grooves at an outer surface (11, 15), a

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fixed damping member provided in a first groove (6, 14). The movable damping member in this case would be the oil. The oil would vibrate in an up and down fashion and is also be selectively adhered to the inner surface of the cylinder. Hahn further discloses there is an inclination surface that a middle portion thereof is more concave than both ends (14).

Although Hahn does not disclose the damper in use with a washing machine, the intended use of the structure is given little to no patentable weight as long as the structure would be capable of performing the intended function. In this case, Hahn's damper is for use in automotive vehicles and would therefore be capable of absorbing vibrations in a washing machine which is of a smaller weight.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferlicca (US Patent No. 6,264,014).

Ferlicca discloses a damper for a washing machine. Ferlicca discloses the cylinder (2a), the piston (3), a guide member (23), with a hole for the rod and grooves at an outer circumference (Fig. 1). Ferlicca further discloses a fixed damping member (15, 16) adhered to an inner surface of the cylinder and a movable damping member (5) selectively adhered to the inner surface of the cylinder. Although the movable member does not seem to be

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partitioned from the fixed member, one of ordinary skill in the art would readily foresee the fixed member having additional supporting members and therefore placed in separate grooves for the benefit of having better support for the fixed member. Ferlicca also discloses having the cylinder fixed to the cabinet and the rod fixed to the drum (col. 1).

Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer (EP 0301190 A1) in view of Ferlicca.

Bauer discloses a cylinder (Fig. 3, Item 9), a piston rod (11), a guide member with grooves at an outer surface (29, 19), a fixed damping member inserted in a groove (24, 26) attached to the cylinder, and a movable damping member inserted in a groove (18, 30) and indirectly connected to the inner surface of the cylinder. Bauer discloses having the cylinder fixed to the cabinet, the rod fixed to the drum (Fig. 2) and the stoppers adhered to an inner surface of the cylinder formed at both sides of the first and second grooves (Fig. 3, 22, 28, 24). Bauer does not specifically disclose the movable damping member attached to the cylinder. Ferlicca discloses the movable damping member selectively adhered to the cylinder. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Bauer with Ferlicca for the benefit of having fewer parts.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art not disclosed are Schmitt (US 4481974), Yokoya (US 4821852), Radcliffe (US 5948021), Park (US 6955248), Hanschmidt (EP 0407755 A1), Mayer


(EP 0806514 A2) and Ugurkan (WO 99050568), who disclose dampers with grooves and fixed and stationary members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah E. Husband whose telephone number is (571) 272-8387. The examiner can normally be reached on M-F 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEH

  
MICHAEL BARR  
SUPERVISORY PATENT EXAMINER